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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

In re AMANDA D., a Person Coming  
Under the Juvenile Court Law.

NAPA COUNTY DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,

Plaintiff and Respondent,

v.

LEE ANN C.,

Defendant and Appellant.

A113129

(Napa County  
Super. Ct. No. JV13787)

**I. INTRODUCTION**

Lee Ann C. (Mother) appeals from an order of the juvenile court terminating her parental rights to her daughter, Amanda D., under Welfare and Institutions Code section 366.26.<sup>1</sup> Mother challenges the sufficiency of the evidence to support the court's finding that the beneficial relationship exception of section 366.26, subdivision (c)(1)(A), did not preclude terminating her parental rights. She also contends there was insufficient evidence of Amanda's wishes regarding adoption. We will affirm the order terminating parental rights.

<sup>1</sup> All further statutory references are to the Welfare and Institutions Code.

## II. FACTUAL AND PROCEDURAL BACKGROUND

This matter was previously before us on Mother's writ petition pursuant to rule 38.1 of the California Rules of Court challenging the juvenile court's order terminating reunification services and setting a hearing under section 366.26 to select a permanent plan for Amanda. We denied the petition on the merits. (See *In re Amanda D.* (Nov. 16, 2005, A111069) [nonpub. opn.].) We adopt the detailed discussion of the "Factual and Procedural Background" contained in our previous opinion at pages 2 through 13. Following a brief summary of the history of this case, our discussion of the facts and procedure will focus on information received at the January 12, 2006, section 366.26 hearing.

On February 25, 2004, the Napa County Department of Health and Human Services (CPS) received a report that four-year-old Amanda had fallen and broken her arm but had not been returned to the hospital by her parents for follow-up medical treatment. Amanda was taken into protective custody that day, and a petition was filed on February 27, 2004, alleging neglect. Amanda was detained on March 9 and her parents, Mother and Neil D. (Father),<sup>2</sup> submitted to jurisdiction on March 25. Amanda was declared a dependent of Napa County at the dispositional hearing on April 13. Amanda remained in the foster home where she had been placed on February 25, and the family received reunification services. In July and August, Amanda made disclosures to her therapist that her father had sexually abused her. Both parents denied these allegations. The parents' visitation was suspended and then reinstated when they agreed to additional services related to these allegations. At the six-month review hearing, the court found that reasonable services had been provided and that returning Amanda to her parents would create a substantial risk of detriment, and continued services for the parents. At the contested 12-month review hearing in July 2005, the court found that neither parent had substantially participated in the services provided or made substantial progress, and that there remained significant risk of detriment to Amanda if she were

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<sup>2</sup> Father has not filed an appeal in this matter.

returned to their care. The court terminated services and set a selection and implementation hearing. As previously noted, we denied Mother's writ petition challenging this order.

At the time of the contested section 366.26 hearing on January 12, 2006, Amanda was six years old and it had been nearly two years since the initiation of the dependency in February 2004. Mother was present at the hearing and was represented by counsel. The court received in evidence the section 366.26 report prepared by the CPS social worker, which included as an attachment the adoption assessment report prepared by the adoptions specialist for the Department of Social Services. The court also received into evidence the report prepared by the Court Appointed Special Advocate (CASA). The court heard testimony from the adoptions specialist, Kimberly Costa, the social worker, Deborah Sittner, the CASA, Lola Chester, and Mother.

The social worker's section 366.26 report, filed on January 12, 2006, recommended that parental rights be terminated for both of Amanda's parents, and that a permanent plan of adoption be selected and implemented for her. The report stated that the foster parents, with whom Amanda had lived since February 2004, wished to adopt her, had an approved adoptive home study, and are "committed to Amanda." With respect to her mental and emotional status, the report indicated that "Amanda seems to be feeling secure in the knowledge that she will remain in the care of her foster family. A review of records indicates that the minor is fearful of being returned to her family of origin. Amanda seems to have made the transition into identifying her prospective adoptive parents as her parents and the foster family as her permanent family. She seems to be able to articulate what being adopted means and that it is important to her for this to happen." According to the report, Amanda had stated that she wanted to be adopted by her current foster parents and wants to remain in their home.

The social worker's report also addressed Amanda's relationship and contacts with her family of origin. It observed that Amanda had been having twice-weekly supervised visits with her parents at CPS. The visits had been appropriate, and Amanda seemed to enjoy seeing her mother and father and interacting with them "on a friendly level." She

had no trouble separating when the visits ended and did not ask to see her parents in addition to scheduled visits. Her foster parents stated that “Amanda’s behavior can escalate” after these visits, but the foster parents are able to redirect her. The report also observed that Amanda had “occasional visits” with her two older half-brothers, who were removed from Mother and placed in long-term foster care before Amanda was born. Amanda’s foster parents have included the boys in some activities, such as Amanda’s birthday parties. Amanda enjoyed the visits, but there was no indication that she desired more contact with her siblings.

Based on her review of the records in the case, the social worker opined that “Amanda needs and will benefit from the permanence that adoption can offer her.” Although she had regularly visited with her birth parents, “it is clear that her attachment and sense of family is in her relationship with the prospective adoptive parents. The benefits of belonging as well as having a stable and consistent family environment are in Amanda’s best interest for her continuing growth and development.”

The attached adoption assessment concluded that Amanda was likely to be adopted and recommended terminating parental rights and ordering a plan of adoption. The adoptions specialist stated that the foster parents are “very committed” to Amanda, have proven to be “well-suited to caring for Amanda’s special needs,” and want to adopt her. The report noted that Amanda is a “medically fragile child” due to “numerous medical difficulties,” “ongoing seizure activity and associated mood problems.” Her foster parents have been diligent and adept at monitoring her condition and responses to medications, and ensuring that she gets the medical care she needs. They have also attended to Amanda’s emotional, psychological, and educational needs, and there appears to be a warm, reciprocal relationship between Amanda and her foster parents.

The adoptions specialist reported that she interviewed Amanda in July 2005, and explained to her the decisions that would be made regarding either returning her to her parents or living permanently with someone else. It was reported that Amanda had been dancing, singing, and talking freely during the discussion. But at the mention of the possibility of being returned to her parents, Amanda’s “entire demeanor changed. Her

face took on a fearful, worried expression and she became still. She told the adoption specialist that she wanted to stay with her foster parents and be adopted by them.”

The CASA report stated that Amanda’s foster parents are “diligent in meeting her needs and providing her with lots of love and an enriched life experience.” CASA recommended that Amanda remain in her current placement and opined that adoption is the appropriate permanent plan.

At the hearing, adoptions specialist Kimberly Costa testified that she wrote the adoption assessment dated July 2005. Her preparation for writing the report included interviewing Amanda, the previous and current social workers, and the foster/prospective adoptive parents. Ms. Costa opined that Amanda was likely to be adopted, and that Amanda had expressed a desire to be adopted. Ms. Costa recommended that parental rights be terminated.

On cross-examination by Mother’s counsel, Ms. Costa testified that, because of her special needs, Amanda would be a more difficult child to place for adoption if the current placement fell through, but that she did not see a likelihood of Amanda’s placement with her current caregivers not being successful. Ms. Costa stated that the fact that the foster mother is a registered nurse has been helpful in her understanding Amanda’s diagnosis, the terminology, and the difficulties and risks associated with her medical care, enabling the caregivers to make particularly well-informed decisions. Although Ms. Costa did not think it was necessary that Amanda’s caregiver be a registered nurse, it was helpful in the caregivers’ “assertive efforts” to be sure Amanda received good care and diligence in getting her to various appointments. Ms. Costa was aware of a recommendation for medication for Amanda in October 2005 to treat “mood swings and explosive emotional outbursts,” but it was her understanding that the order was not given for the medication to be prescribed.

Ms. Costa testified that she explained adoption to Amanda as being “when someone else becomes the parent who parents” the child and makes decisions for the child. She told Amanda that adopted children have two sets of parents, birth parents and

legal parents. Ms. Costa did not recall the extent to which she spoke with Amanda about the possibility that Amanda might not see her birth parents anymore if she were adopted.

Ms. Costa was aware that Amanda had regular supervised visits with her parents. She had observed Amanda with her birth parents “in passing;” she had not done a focused observation of them. In response to questions by Father’s counsel about interactions between Amanda and Father, Ms. Costa responded that some of the interactions could be characterized as “parent/child.” Ms. Costa testified that because there was nothing in Amanda’s case file that indicated that Amanda’s relationship with her birth parents outweighed her need for a permanent home, Ms. Costa had focused on Amanda’s likelihood to be adopted and Amanda’s desires in that regard. Ms. Costa acknowledged that issues regarding visitation with an adopted child’s family of origin are challenging. She declined to make any recommendation in that regard.

Social worker Deborah Sittner testified that she had been assigned to Amanda’s case at the end of October 2005, and had reviewed the previous social worker’s case file. As the assigned social worker, she had met with Amanda four times. Mother’s counsel asked Ms. Sittner about the request she had filed in October 2005 for medication for Amanda. Ms. Sittner testified that Amanda’s therapist had suggested that Amanda be evaluated for the need for medication to help her in controlling episodes of explosive anger that had lessened over time but were still problematic. Amanda was assessed by a psychiatrist who felt she would benefit from the medication, and an application for the medication was filed with the court. It was subsequently withdrawn and the medication was not prescribed. Amanda’s therapist and the foster parents are instead working on behavioral methods of helping Amanda deal with anger issues.

Ms. Sittner testified that she had spoken with Amanda about adoption, that Amanda had told her that she was going to be adopted, and that Amanda “seemed to have a fairly good grasp of what that meant.” Ms. Sittner subsequently had a more detailed discussion with Amanda about adoption during which Amanda said her birth parents would always be her birth parents and that she would also have an adoptive family. Amanda said she knew that after the adoption she would not see her birth parents as

often. Ms. Sittner did not recall discussing with Amanda that she might not see her birth parents again after the adoption.

Lola Chester, the current CASA, testified that she wrote the report that was filed with the court on November 22, 2005, but that a lot of the information contained in the report came from Amanda's prior CASA, Ms. Doughty, and that the information was current as of a month or two before the report was written. Ms. Chester had not spoken with Amanda about adoption, but Ms. Chester understood from Ms. Doughty that Amanda was in favor of the adoption. Ms. Doughty had discussed adoption with Amanda, including that it would be up to the adoptions worker, the foster parents, and Amanda's therapist whether or not continued visits with her birth parents would be in her best interest. Ms. Chester also testified that Ms. Doughty had observed Amanda with both her birth parents and her foster parents. Although Amanda had a connection with her birth parents and she looked to them for care and comfort during the visits, it was Ms. Doughty's opinion that there was not a parental bond between Amanda and her birth parents.

Mother was the last witness to testify. She stated that she had two other children who had been in long-term foster care for seven or eight years. Mother regularly visits all three of her children. Until Amanda was removed from home, Mother would take her to the bi-weekly visits with her brothers. Mother testified that Amanda calls her "mom," and "every so often" by her first name. During visits with her parents, Amanda runs from the door to give them hugs and is affectionate. Mother described visits with Amanda, during which Amanda "gets to do whatever she wants" and to play with games or toys inside or outside during the hour-long visit. Mother said she does not feel like she has had a chance to act as Amanda's parent during visits. Because she knew she was not allowed to discuss the issue, Mother had never brought up the subject of adoption with Amanda. Mother said she loved her daughter very much and would feel "depressed" if she could not see her again. Mother said she was fighting to continue to have a relationship with Amanda even though she had already been told that Amanda would be adopted.

After hearing argument from the parties and considering the evidence presented, the court found by clear and convincing evidence that Amanda was likely to be adopted. The court found that the parents had maintained regular contact and visits with Amanda, and acknowledged that it is difficult to maintain a regular parent/child relationship in a supervised setting. Further, it was clear that Mother and Father both love Amanda and would love to continue having a relationship with her. However, it was also clear, the court stated, that “Amanda has built a very strong relationship with the foster parents, that the foster parents are able and willing to provide her with a permanent home . . . .” The court held that the parents had not carried their burden of proving that the benefit to Amanda of maintaining the parent/child relationship outweighed the benefit to her of the permanency of adoption. The court also addressed the “sibling exception” to the presumption favoring adoption and stated that the relationship between Amanda and her siblings “is not of the strength or of the type that would be of the exception that would prevent this adoption.” The court terminated Mother and Father’s parental rights, selected adoption as Amanda’s permanent plan, continued her as a dependent, and referred her for adoptive placement. The court terminated parental visitation but deferred both parental and sibling visitation issues for further review.

On February 28, 2006, Mother filed a timely notice of appeal from the order terminating her parental rights.

### **III. DISCUSSION**

#### ***A. The Exception to Adoption Pursuant to Section 366.26, Subdivision (c)(1)(A)***

“ ‘Adoption, where possible, is the permanent plan preferred by the Legislature.’ (*In re Autumn H.* (1994) 27 Cal.App.4th 567, 573 (*Autumn H.*)). If the court finds a minor cannot be returned to his or her parent and is likely to be adopted if parental rights are terminated, it must select adoption as the permanent plan unless it finds termination of parental rights would be detrimental to the minor under one of five specified exceptions. (§ 366.26, subd. (c)(1); *In re Jamie R.* (2001) 90 Cal.App.4th 766, 773.)” (*In re L.Y.L.* (2002) 101 Cal.App.4th 942, 947.)



Section 366.26, subdivision (c)(1)(A), “authorizes the juvenile court to avoid the termination of parental rights to an adoptable child if it finds ‘a compelling reason for determining that termination would be detrimental to the child [because] . . . [t]he parents or guardians have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship.’ ” (*In re Clifton B.* (2000) 81 Cal.App.4th 415, 424.) It is the parent’s burden to demonstrate the applicability of this exception. (*In re Jasmine D.* (2000) 78 Cal.App.4th 1339, 1350 (*Jasmine D.*); *Autumn H.*, *supra*, 27 Cal.App.4th at p. 574.)

The trial court found that Mother had maintained regular visitation and contact with Amanda, and this finding is not contested. The court’s ruling was based on its finding that Mother had failed to establish that the benefit to the child of maintaining the relationship with the parent outweighed the benefit of adoption.

Mother contends the juvenile court’s determination that the exception did not apply is not supported by substantial evidence.<sup>3</sup> She argues that she maintained regular visitation and as much of a parent/child bond with Amanda as she could under the circumstances. She cites to evidence that Amanda knew her as “mom,” enjoyed the visits, and became very upset when visitation was temporarily suspended.

The cases construing the beneficial relationship exception have made clear that not every beneficial relationship will overcome the preference for adoption. (*Autumn H.*,

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<sup>3</sup> While most courts review this determination for substantial evidence (see, e.g., *Autumn H.*, *supra*, 27 Cal.App.4th at pp. 575, 576; *In re Clifton B.*, *supra*, 81 Cal.App.4th at p. 424), our colleagues in Division Three of this court concluded that the proper standard of review was abuse of discretion. (*Jasmine D.*, *supra*, 78 Cal.App.4th at p. 1351.) In so doing, they noted, “The practical differences between the two standards of review are not significant. ‘[E]valuating the factual basis for an exercise of discretion is similar to analyzing the sufficiency of the evidence for the ruling. . . . Broad deference must be shown to the trial judge. The reviewing court should interfere only “ ‘if [it] finds that under all the evidence viewed most favorably in support of the trial court’s action, no judge could reasonably have made the order that he did.’ . . .” ’ ” (*Ibid.*) In light of the similarity between these two standards, we will apply the substantial evidence test. If the juvenile court’s decision is supported by substantial evidence, then it clearly was not an abuse of discretion.

*supra*, 27 Cal.App.4th at p. 575; *In re Jasmine D.*, *supra*, 78 Cal.App.4th at pp. 1347-1350; *In re Casey D.* (1999) 70 Cal.App.4th 38, 52, fn. 4.) In order for the exception to apply, the parent/child relationship must promote “the well-being of the child to such a degree as to outweigh the well-being the child would gain in a permanent home with new, adoptive parents. In other words, the court balances the strength and quality of the natural parent/child relationship in a tenuous placement against the security and the sense of belonging a new family would confer. If severing the natural parent/child relationship would deprive the child of a substantial, positive emotional attachment such that the child would be greatly harmed, the preference for adoption is overcome and the natural parent’s rights are not terminated.” (*Autumn H.*, *supra*, 27 Cal.App.4th at p. 575; see also *In re Jamie R.*, *supra*, 90 Cal.App.4th at p. 773; *In re Beatrice M.* (1994) 29 Cal.App.4th 1411, 1418.)

Adoption should be ordered unless exceptional circumstances exist. Emphasizing this point, in 1998 the Legislature revised section 366.26, subdivision (c)(1), “to require the court to find not only that one of the listed circumstances exists, but also that it provide ‘a compelling reason for determining that termination would be detrimental to the child.’ (Stats. 1998, ch. 1054, § 36.6.) This amendment . . . makes it plain that a parent may not claim entitlement to the exception provided by subdivision (c)(1)(A) simply by demonstrating some benefit to the child from a continued relationship with the parent, or some detriment from termination of parental rights.” (*In re Jasmine D.*, *supra*, 78 Cal.App.4th at p. 1349.) “Although the statute does not specify the type of relationship necessary to derail termination of parental rights, case law has required more than ‘frequent and loving contact.’” (*In re Clifton B.*, *supra*, 81 Cal.App.4th at p. 424, quoting *In re Beatrice M.*, *supra*, 29 Cal.App.4th at p. 1418.)

Substantial evidence supports the trial court’s conclusion that Amanda’s need for a permanent, stable home outweighed any benefit to her from a continued legal relationship with Mother. Factors to be considered in making this determination include “[t]he age of the child, the portion of the child’s life spent in the parent’s custody, the ‘positive’ or “‘negative’ effect of interaction between parent and child, and the child’s particular

needs . . . .” (*In re Jerome D.* (2000) 84 Cal.App.4th 1200, 1206 (*Jerome D.*); *Autumn H.*, *supra*, 27 Cal.App.4th at p. 576.) Amanda was removed from Mother’s care in February 2004 when she was four years old. At the time of the section 366.26 hearing in January 2006, she had lived with her foster parents for almost two years. Although the evidence established that there was a bond between Amanda and Mother and that Amanda enjoyed seeing her, there was also evidence that Mother’s role with Amanda during the hour-long, supervised visits was not parental. In contrast, the evidence shows that the foster parents provided comfort, stability, and structure for Amanda, and were attentive to her needs. In the report prepared for the section 366.26 hearing, the social worker stated, “it is clear that [Amanda’s] attachment and sense of family is in her relationship with the prospective adoptive parents.” The adoptions specialist reported that the prospective adoptive parents “have been diligent in meeting Amanda’s many medical needs. They have demonstrated patience and flexibility in responding to Amanda’s sometimes difficult behaviors. They have expressed an understanding of Amanda’s emotional and psychological needs and have ensured that Amanda had the therapeutic support that she needs. They have helped Amanda to develop a sense of safety and joy.” The adoption specialist concluded that “there wasn’t anything to indicate that the relationship [Amanda] had with her parents outweighed her need for a permanent home . . . .”

We agree with the trial court that Mother did not demonstrate any “compelling reason” that termination of parental rights would be detrimental to Amanda. (§ 366.26, subd. (c)(1).)

Mother relies on several cases in arguing that she maintained a parent/child bond with Amanda sufficient to overcome the preference accorded to adoption. In arguing that she maintained as much of a parental role as she could within the confines of the supervised visitation arrangement, Mother cites to *In re Brandon C.* (1999) 71 Cal.App.4th 1530, 1537-1538 (*Brandon C.*) in which the court stated that “[t]he benefit of continued contact between mother and children must be considered in the context of the very limited visitation mother was permitted to have.” In *Brandon C.*, twin boys who

had been victims of domestic violence and whose mother had a history of substance abuse were placed with their paternal grandmother. At the permanency planning hearing, the trial court credited the testimony of the mother and the paternal grandmother that the mother had visited consistently, had a close bond with the boys, and that continued contact would be beneficial to the children. Despite the paternal grandmother's preference for adoption, the court ordered legal guardianship. On review, the appellate court found substantial evidence in support of the trial court's order. (*Id.* at pp. 1536-1537.) *Brandon C.* is distinguishable both on its facts and because the decision on review for substantial evidence was the trial court's selection of legal guardianship as the permanent plan.

Mother also refers us to *Jerome D.*, *supra*, 84 Cal.App.4th 1200 (*Jerome D.*), in which the six year-old minor was removed from his mother's care because of physical abuse and placed with the mother's former boyfriend. At the section 366.26 hearing, at which time Jerome was almost nine years old, the juvenile court terminated parental rights, found Jerome adoptable, and referred him for adoption. Jerome, his mother, and his father appealed. (*Id.* at pp. 1202-1204.) The appellate court reversed, concluding there was insufficient evidence of adoptability and insufficient evidence to support the determination that Jerome would not benefit from continuing the relationship with his mother. The evidence showed that Jerome had lived with his mother for the first six and one half years of his life and had expressed the desire to live with her again. They shared a strong and well-developed parent/child relationship. He had been having overnight unsupervised visits in her home, and he identified her as his mother, calling her "mom" or "mommy." The court recognized that the mother had serious shortcomings as a parent, but also noted serious problems with the prospective adoptive parent, the mother's former boyfriend. (*Id.* at pp. 1205, 1207-1208.) The evidence of a parental bond in *Jerome D.* was far more persuasive than that presented here. In addition, there is no question that sufficient evidence supports Amanda's adoptability.

Mother also relies on *Jasmine D.*, *supra*, 78 Cal.App.4th 1339 and *In re Zachary G.* (1999) 77 Cal.App.4th 799 (*Zachary G.*). However, in both cases, the juvenile courts'

decisions that the minors were adoptable, that parental rights should be terminated, and that the parent/child beneficial relationship exception did not apply were affirmed. (*Jasmine D.*, *supra*, 78 Cal.App.4th at pp. 1351-1352; *Zachary G.*, *supra*, 77 Cal.App.4th at pp. 810-812.) Although the mothers in both cases had visited and maintained relationships with the minors, the benefit of continuing those relationships did not outweigh the benefits to the children of adoption. (*Jasmine D.*, *supra*, 78 Cal.App.4th at pp. 1343-1344, 1351-1352; *Zachary G.*, *supra*, 77 Cal.App.4th at pp. 804-805, 809-811.)

On this record, Mother has failed to show anything more than “frequent and loving contact” with Amanda. (*In re Clifton B.*, *supra*, 81 Cal.App.4th at p. 424.) She has not met her burden of demonstrating that her relationship with Amanda promotes Amanda’s well-being to such an extent that it outweighs the benefit to her of being adopted into a secure and permanent home.

#### B. *Consideration of Amanda’s Wishes*

Mother contends her parental rights should not have been terminated because no one informed Amanda that, if she were adopted, she might never see her birth parents again and there were alternate plans available that would keep parental rights intact. Although Mother raised the point at the section 366.26 hearing that Amanda did not know that visitation with her birth parents might be stopped if she were adopted, Mother did not argue that the court had a statutory duty to obtain information regarding Amanda’s wishes. (§ 366.26, subd. (h).) In our opinion, she did not preserve this issue for review. (*In re Amanda D.* (1997) 55 Cal.App.4th 813, 819-820 (*Amanda D.*); *In re Anthony P.* (1995) 39 Cal.App.4th 635, 641 [appellant may not assert error on appeal when the argument was not raised in the juvenile court].)

However, even if this argument was not waived, Mother’s contention lacks merit. Section 366.26, subdivision (h)(1), provides that: “At all proceedings under this section, the court shall consider the wishes of the child . . . .” Section 366.26 has been interpreted as “imposing a mandatory duty on the courts to ‘consider the child’s wishes to the extent ascertainable’ prior to entering an order terminating parental rights.” (*In re Leo M.* (1993) 19 Cal.App.4th 1583, 1591 (*Leo M.*)). The evidence may be in the form of

testimony at the hearing and it may be found in reports prepared for the hearing. (*Ibid.*) Courts have repeatedly rejected the assertion that the court must obtain a statement from the child regarding how the child feels about ending the parental relationship. (See, e.g., *Amanda D.*, *supra*, 55 Cal.App.4th at p. 820; *Leo M.*, *supra*, 19 Cal.App.4th at p. 1593.)

“The purpose of the statutory injunction that the court ‘consider the wishes of the child’ simply requires the court to consider what the child’s preferences are.” (*Leo M.*, *supra*, 19 Cal.App.4th at p. 1592.) This may include “explor[ing] the minor’s feelings regarding his/her biological parents, foster parents, and prospective adoptive parents, if any, as well as his/her current living arrangements. Where practicable and consistent with the best interests of the minor, an attempt should be made to obtain this information so that the court will have before it some evidence of the minor’s feelings from which it can then infer his/her wishes regarding the issue confronting the court.” (*Ibid.*)

The juvenile court had such evidence here. As set forth above, Ms. Sittner, the social worker, reported that Amanda was able to articulate what being adopted means, and that she wants to be adopted and remain in her foster parents’ home. Ms. Costa, the adoptions specialist, testified that she explained adoption to Amanda and that Amanda told her she wanted to remain with her foster parents and be adopted by them. In addition, there is evidence that Amanda was aware that adoption could impact her visits with Mother. Amanda stated to Ms. Sittner that, after the adoption, she knew she would not see her birth parents “as often.” The CASA testified that her predecessor, Ms. Doughty, had discussed adoption with Amanda and had informed Amanda that it would be up to the adoptions worker, the therapist, and the foster parents whether or not visits with her birth parents would continue. This was sufficient evidence from which the court reasonably could infer Amanda’s wishes.

#### **IV. DISPOSITION**

The order appealed from is affirmed.

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Haerle, J.

We concur:

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Kline, P.J.

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Lambden, J.